

MESSAGE NO: 9310115 MESSAGE DATE: 11/06/1998

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-602-803

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 08/01/1994 TO 07/31/1995

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN CORROSION RESISTANT CARBON
STEEL FLAT PRODUCTS FROM AUSTRALIA PRODUCED BY BROKEN HILL PROPRIETARY
CO. LTD.(BHP) (A-602-803-001)

MESSAGE NO: 9310115

DATE: 11 06 1998

CATEGORY: ADA

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REFERENCE:

REFERENCE DATE:

CASES: A - 602 - 803

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PERIOD COVERED: 08 01 1994 TO 07 31 1995

LIQ SUSPENSION DATE:

TO: CMC DIRECTORS,
PORT DIRECTORS

FROM: DIRECTOR, IMPORT OPERATIONS

RE: LIQUIDATION INSTRUCTIONS FOR CERTAIN CORROSION RESISTANT
CARBON STEEL FLAT PRODUCTS FROM AUSTRALIA PRODUCED BY
BROKEN HILL PROPRIETARY CO. LTD.(BHP) (A-602-803-001)

1. THE DEPARTMENT OF COMMERCE PUBLISHED IN THE FEDERAL REGISTER
OF AUGUST 27, 1996 61 FR 44039-44041, THE FINAL RESULTS OF
ITS ADMINISTRATIVE REVIEW OF THE ANTIDUMPING DUTY ORDER A-
602-803 ON CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS
FROM AUSTRALIA FOR THE 08/01/1994 THROUGH 07/31/1995 PERIOD.

2. IMPORTS COVERED BY THE REVIEW ARE SHIPMENT OF CERTAIN
CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS. THESE

PRODUCTS INCLUDE FLAT-ROLLED CARBON STEEL PRODUCTS, OF RECTANGULAR SHAPE, EITHER CLAD, PLATED, OR COATED WITH CORROSION-RESISTANT METALS SUCH AS ZINC, ALUMINUM, OR ZINC-, ALUMINUM-, NICKEL- OR IRON-BASED ALLOYS, WHETHER OR NOT CORRUGATED OR PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC COATING, IN COILS (WHETHER OR NOT IN SUCCESSIVELY SUPERIMPOSED LAYERS) AND OF A WIDTH OF 0.5 INCH OR GREATER, OR IN STRAIGHT LENGTHS WHICH, IF OF A THICKNESS LESS THAN 4.75 MILLIMETERS, ARE OF A WIDTH OF 0.5 INCH OR GREATER AND WHICH MEASURES AT LEAST 10 TIMES THE THICKNESS OR IF OF A THICKNESS OF 4.75 MILLIMETERS OR MORE ARE OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS, AS CURRENTLY CLASSIFIABLE IN THE HTS UNDER ITEM NUMBERS 7210.31.0000, 7210.39.0000, 7210.41.0000,

7210.49.0030, 7210.49.0090, 7210.60.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.21.0000, 7212.29.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.5000, 7217.12.1000, 7217.13.1000, 7217.19.1000, 7217.19.5000, 7217.22.5000, 7217.23.5000, 7217.29.1000, 7217.29.5000, 7217.32.5000, 7217.33.5000, 7217.39.1000, and 7217.39.5000. INCLUDED ARE FLAT-ROLLED PRODUCTS OF NONRECTANGULAR CROSS-SECTION WHERE SUCH CROSS-SECTION IS ACHIEVED SUBSEQUENT TO THE ROLLING PROCESS (I.E., PRODUCTS WHICH HAVE BEEN "WORKED AFTER ROLLING") FOR EXAMPLE, PRODUCTS WHICH HAVE BEEN BEVELLED OR ROUNDED AT THE EDGES. EXCLUDED ARE FLAT-ROLLED STEEL PRODUCTS EITHER PLATED OR COATED WITH TIN, LEAD, CHROMIUM, CHROMIUM OXIDES, BOTH TIN AND LEAD ("TERNE PLATE"), OR BOTH CHROMIUM AND CHROMIUM OXIDES ("TIN-FREE STEEL"), WHETHER OR NOT PAINTED, VARNISHED OR COATED WITH PLASTICS OR OTHER NONMETALLIC SUBSTANCES IN ADDITION TO THE METALLIC COATING. ALSO EXCLUDED ARE CLAD PRODUCTS IN STRAIGHT LENGTHS OF 0.1875 INCH OR MORE IN COMPOSITE THICKNESS AND OF A WIDTH WHICH EXCEEDS 150 MILLIMETERS AND MEASURES AT LEAST TWICE THE THICKNESS. ALSO

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EXCLUDED ARE CERTAIN CLAD STAINLESS FLAT-ROLLED PRODUCTS, WHICH ARE THREE-LAYERED CORROSION-RESISTANT CARBON STEEL FLAT-ROLLED PRODUCTS LESS THAN 4.75 MILLIMETERS IN COMPOSITE THICKNESS THAT CONSIST OF A CARBON STEEL FLAT-ROLLED PRODUCT CLAD ON BOTH SIDES WITH STAINLESS STEEL IN A 20%-60%-20% RATIO. THESE HTS ITEM NUMBERS ARE PROVIDED FOR CONVENIENCE AND CUSTOMS PURPOSES THE WRITTEN DESCRIPTION REMAINS DISPOSITIVE.

3. FOR SHIPMENTS OF CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM AUSTRALIA EXPORTED BY BHP AND IMPORTED BY ITS SUBSIDIARIES BHP TRADING, BHP COATED, AND BHP BUILDING PRODUCTS ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION

DURING THE PERIOD 08/01/1994 THROUGH 07/31/1995, ASSESS ANTIDUMPING LIABILITIES ON A PER-UNIT BASIS AS FOLLOWS:

IMPORTER	PER-TON AMOUNT
BHP TRADING	\$35.70
BHP COATED	\$32.06
BHP BUILDING PRODUCTS	\$170.23

4. FOR ALL OTHER SHIPMENTS OF CORROSION-RESISTANT CARBON STEEL FLAT PRODUCTS FROM AUSTRALIA EXPORTED BY BHP ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 08/01/1994 THROUGH 07/31/1995, ASSESS ANTIDUMPING LIABILITIES ON A PER-UNIT BASIS AS FOLLOWS:

IMPORTER	PER-TON AMOUNT
ALL OTHERS RATE	\$45.53

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY THE CUSTOMS SERVICE ON SHIPMENTS OR ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CUSTOMS PAY INTEREST ON OVERPAYMENTS, OR ASSESS INTEREST ON UNDER PAYMENTS, OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS

POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CUSTOMS SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 353-26 OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION OF THE ENTRY. IF THE IMPORTER HAS BEEN REIMBURSED ANTIDUMPING DUTIES, CUSTOMS SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER FAILS TO RESPOND TO YOUR FORMAL REQUEST (VIA CF 28 OR 29) FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CUSTOMS SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.
7. PLEASE NOTE THAT THE ASSESSMENT OF ANTIDUMPING DUTIES ON ENTRIES MADE ON OR AFTER THE DEPARTMENT OF COMMERCE'S PRELIMINARY DETERMINATION AND BEFORE THE INTERNATIONAL TRADE COMMISSION'S FINAL AFFIRMATIVE INJURY DETERMINATION CANNOT EXCEED THE AMOUNT OF CASH DEPOSIT OR BOND IN EFFECT AT THE TIME OF ENTRY.
8. SUSPENSION OF LIQUIDATION FOR ALL ENTRIES OF THIS MERCHANDISE AFTER 07/31/1995 WILL CONTINUE.
9. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CUSTOMS OFFICERS, PLEASE CONTACT VIA E-MAIL, THROUGH THE APPROPRIATE SUPERVISORY CHANNELS, OTHER GOVERNMENT AGENCY LIAISON, USING THE ATTRIBUTE "HQ OAB." THE IMPORTING PUBLIC AND INTERESTED PARTIES SHOULD CONTACT RICK JOHNSON AD/CVD ENFORCEMENT, IMPORT ADMINISTRATION, DEPARTMENT OF COMMERCE AT (202) 482-3818.

10. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS
INFORMATION.

PAUL SCHWARTZ

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party